

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

RANDY S. LUSKEY (CABN 240915)
Assistant United States Attorney

450 Golden Gate Ave., Box 36055
San Francisco, California 94102
Telephone: (415) 436-7200
Fax: (415) 436-7234
E-Mail: randall.luskey@usdoj.gov

Attorneys for the United States

UNITED STATES MAGISTRATE COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. 3:11-70238 MAG
)	
Plaintiff,)	PROPOSED ORDER AND
)	STIPULATION TO CONTINUE
v.)	HEARING DATE TO MARCH 6,
)	2012 AND TO EXCLUDE TIME UNDER
MICHAEL DUPREE BROWN,)	THE SPEEDY TRIAL ACT
)	
Defendant.)	Date: February 29, 2012
)	Time: 9:30 a.m.
)	Court: Hon. Laurel Beeler

The above-captioned matter is set on February 29, 2012 before this Court for a status hearing. The parties request, however, that the matter be continued to March 6, 2012 and that time be excluded pursuant to 18 U.S.C. § 3161(b) between February 29, 2012 and March 6, 2012 for the reasons stated below.

Defendant is presently charged in a criminal complaint with violations of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), 18 U.S.C. § 924(c), and 18 U.S.C. § 922(g)(1). Defendant has previously waived his right to a preliminary hearing pursuant to Federal Rule of Criminal Procedure 5 (Docket No. 10), and has previously agreed to exclude time within which to be

1 charged by Indictment or Information pursuant to 18 U.S.C. § 3161(b). Additionally, defendant
2 is currently serving a ten-year federal prison sentence imposed in case no. CR-10-00176 PJH.
3 He is also set to appear before the Honorable Claudia Wilken on March 6, 2012, in case no. CR-
4 09-00203 CW on a Petition For Arrest Warrant For Offender Under Supervision based on the
5 same conduct at issue in this case.

6 Lead counsel for the United States has recently left the United States Attorney's Office,
7 Northern District of California; thus, new counsel for the United States needs time to review the
8 discovery and other matters associated with this case. Additionally, discovery needs to be
9 provided to defense counsel, and defense counsel needs time to review and analyze the discovery
10 and to discuss the same with defendant. Further, the United States Marshals Service notified
11 undersigned counsel today that the defendant would not be present at his scheduled February 29,
12 2012 court appearance because he had not yet been transferred to the Northern District of
13 California from the Federal Correctional Institution in Lompoc, CA. In sum, both parties need
14 additional time to review the discovery in this case, to effectively prepare for future hearings,
15 and/or to attempt to negotiate a pre-indictment resolution. Defendant agrees to continue to
16 exclude time within which to be charged by Indictment or Information pursuant to 18 U.S.C. §
17 3161(b) from February 29, 2012 to March 6, 2012.

18 Accordingly, and with the consent of the defendant, the Court (1) sets a status hearing
19 before the duty magistrate judge on March 6, 2012, at 9:30 a.m., and (2) orders that the period
20 from February 29, 2012 to March 6, 2012, be excluded from Speedy Trial Act calculations under

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

2
3 IT IS SO STIPULATED:

4 DATED: February 28, 2012

/s/

GARRICK S. LEW
Attorney for Defendant

5
6
7 DATED: February 28, 2012

/s/

RANDY S. LUSKEY
Assistant United States Attorney

8
9
10 IT IS SO ORDERED.

11 DATED: March 6, 2012


HON. LAUREL BEELER
United States Magistrate Judge